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FEDERAL COMMUNICATIONS COMMISSION
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December 8, 2000

BY HAND

Magalie Roman Salas, Secretary
Federal Communications Commission
445 - 12th Street, S.W., TW-A325
Washington, D.C. 20554

EX PARTE OR LATE FILED

Re: *Ex Parte Presentation*
Cellular Service and Other Commercial Mobile Radio Services in the
Gulf of Mexico — CC Docket No. 90-6, WT Docket No. 97-112

Dear Ms. Salas:

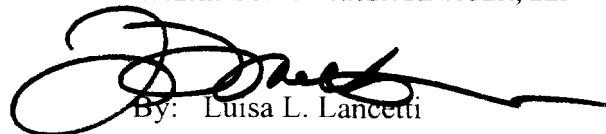
This letter serves as notification that on December 7, 2000, Glenn Rabin and Luisa Lancetti (representing ALLTEL Corporation), Michelle Mundt (representing AT&T Wireless Services, Inc.), Paula Deza (representing MobileTel, Inc.), Ben Almond (representing Cingular Wireless LLC), Andre Lachance (representing Verizon Wireless) and Pam Gist (representing Telepak, Inc.) had a meeting with Tom Sugrue, Jim Schlichting, David Furth, Roger Noel and Paul D'Ari (of the Wireless Telecommunications Bureau) to discuss issues concerning the above-captioned proceeding. Copies of the presentation material distributed and discussed at the *ex parte* meeting are attached hereto.

Pursuant to Section 1.1206(a), an original and one copy of this letter are being filed with your office. Please associate this letter with the files in the above-captioned proceeding.

Please contact us should you have questions concerning the foregoing.

Sincerely,

WILKINSON BARKER KNAUER, LLP


By: Luisa L. Lancetti

Attachments

cc: Tom Sugrue
Jim Schlichting
David Furth
Roger Noel
Paul D'Ari

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Ex Parte Presentation
December 7, 2000

JOINT PROPOSAL

Cellular Service in the
Gulf of Mexico Rulemaking
WT Docket No. 97-112
CC Docket No. 90-6

A coalition of land-based carriers supports a modest and workable approach to solving the long-outstanding service and intercarrier issues along the Gulf of Mexico. The joint proposal would provide for an immediate improvement in the provision of ubiquitous land-based service, including the provision of E-911 service, in areas abutting the Gulf of Mexico, as well as facilitate the provision of service in the waters of the Gulf by Gulf-based carriers. The proposal is technically sound and easily administered.

The Joint Proposal

- Creation of a “Neutral Zone” beginning at the Gulf shoreline as currently defined and extending out ten miles (reduced from twelve miles in the original proposal) into the Gulf of Mexico.
- Creation of an “Exclusive Zone” beginning at the 10 mile boundary of the “Neutral Zone” and extending throughout the remainder of the Gulf of Mexico. The “Exclusive Zone” would be the area in which the Gulf-based carriers would be protected from subscriber capture and in which the Gulf-based carriers would have exclusive license rights.
- Both land-based and Gulf-based carriers would have the right to place SAB contours into the “Neutral Zone.” Neither land-based nor Gulf-based carriers would have the right to be protected from subscriber capture in the “Neutral Zone.” Frequency coordination between land-based and Gulf-based carriers would continue to be mandatory as currently provided for in Section 22.907 of the Commission’s rules.
- Both land-based and Gulf-based carriers would use the land-based propagation methodology and be permitted to place a 32 dbu contour, as needed, at the other carrier’s market boundary. Gulf-based carriers could place a 32 dbu contour at the shoreline and land-based carriers place a 32 dbu contour at the border of the “Exclusive Zone.”
- Gulf-based carriers would be permitted to migrate service and facilities from platform to platform as desired throughout the Gulf of Mexico so long as they coordinated frequency use with the carriers in the adjoining land-based markets.

Benefits of the Joint Proposal to Public Service.

- Provision of ubiquitous land-based coverage, including E-911 service, to subscribers along the entire coastline of the Gulf of Mexico by providing adequate signal strength for land-based subscribers.
- Provision of service to hand-held units at the shoreline.
- Provision of service by carrier best situated to provide cost-effective service.

Benefits to the Gulf-Based Carriers.

- Freedom to migrate from platform to platform within the entire Gulf without losing the ability to reestablish service in the area at a later date (i.e. “no use or lose it”) subject only to frequency coordination obligations.
- Stronger signal strength at the market border of the land-based market and increased opportunities for inland coverage.

The proposal is a modest, pragmatic compromise that accommodates both the Commission’s need for certainty in its licensing process and, as a practical matter, acknowledges the vagaries of RF propagation. It provides for improvements to land-based service for which there is a documented and vital need. All exterior cells bordering or extending into the “neutral zone” would be individually authorized under the Commission’s current rules and frequency coordination between licensees of adjoining markets is already mandatory.

The joint proposal also acknowledges that RF propagation does not respect strict geographic market boundaries through the creation of a “Neutral Zone” in which land-based and Gulf-based systems essentially blend together to enable the provision of ubiquitous service throughout the coastal areas of the Gulf of Mexico. Finally, the joint proposal address the court’s concerns under the PetroCom Remand by providing the freedom to Gulf-based carriers to relocate their facilities from platform to platform at any time subject only to frequency coordination.

Proposed Rule Changes

Part 22 of Title 47 of the Code of Federal Regulations is proposed to be amended as follows:

Part 22 – PUBLIC MOBILE SERVICES

§22.99 Definitions. - Terms used in this part have the following meanings:

Gulf of Mexico Neutral Zone. An area of 10 nautical miles located between the Gulf of Mexico Service Area and the coastline, as coastline is defined by the Office of Management and Budget, as modified by the FCC. See §22.909. No portion of the Gulf of Mexico Neutral Zone shall be included in the CGSA of any licensee in the Cellular Radiotelephone Service, and no portion of the Gulf of Mexico Neutral Zone shall be considered an unserved area in the Cellular Radiotelephone Service.

Unserved areas. With regard to a channel block allocated for assignment in the Cellular Radiotelephone Service: Geographic area in the District of Columbia, or any State, Territory or possession of the United States of America, but excluding the Gulf of Mexico Neutral Zone, that is not within the CGSA of any cellular system authorized to transmit on that channel block. With regard to a channel allocated for assignment in the Paging and Radiotelephone Service: Geographic area within the District of Columbia, or any State, Territory or possession of the United States of America that is not within the service contour of any base transmitter in any station authorized to transmit on that channel.

* * * * *

§22.909 Cellular markets. - Cellular markets are standard geographic areas used by the FCC for administrative convenience in the licensing of cellular systems. Cellular markets comprise Metropolitan Statistical Areas (MSAs) and Rural Service Areas (RSAs). All cellular markets and the counties they comprise are listed in Public Notice Report No. CL-92-40 "Common Carrier Public Mobile Services Information, Cellular MSA/RSA Markets and Counties", dated January 24, 1992, DA 92-109, 7 FCC Rcd 742 (1992).

(a) MSAs. Metropolitan Statistical Areas are 306 areas, including New England County Metropolitan Areas and the Gulf of Mexico Service Area (water area of the Gulf of Mexico, border is the coastline Gulf of Mexico Neutral Zone), defined by the Office of Management and Budget, as modified by the FCC.

(b) RSAs. Rural Service Areas are 428 areas, other than MSAs, established by the FCC.

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§22.911 Cellular geographic service area. - The Cellular Geographic Service Area (CGSA) of a cellular system is the geographic area considered by the FCC to be served by the cellular system. The CGSA is the area within which cellular systems are entitled to protection and within which adverse effects for the purpose of determining whether a petitioner has standing are recognized.

(a) CGSA determination. The CGSA is the composite of the service areas of all of the cells in the system, excluding any area outside the cellular market boundary, except as provided in paragraph (c) of this section, and excluding any area within the CGSA of another cellular system. The service area of a cell is the area within its service area boundary (SAB). The distance to the SAB is calculated as a function of effective radiated power (ERP) and antenna center of radiation height above average terrain (HAAT), height above sea level (HASL) or height above mean sea level (HAMSL).

(1) Except as provided in paragraphs ~~(a)(2)~~ and (b) of this section, the distance from a cell transmitting antenna to its SAB along each cardinal radial is calculated as follows:

$$d = 2.531 \times h^{0.34} \times p^{0.17}$$

where:

d is the radial distance in kilometers

h is the radial antenna HAAT in meters

p is the radial ERP in Watts

~~————— (2) For the cellular systems authorized to serve the Gulf of Mexico MSA, the distance from a cell transmitting antenna to its SAB along each cardinal radial is calculated as follows:~~

~~$$d = 6.895 \times h^{0.30} \times p^{0.15}$$~~

~~where:~~

~~d is the radial distance in kilometers~~

~~h is the radial antenna HAAT in meters~~

~~p is the radial ERP in Watts~~

~~(3)(2) The value used for h in the formula in paragraph (a)(2) of this section must not be less than 8 meters (26 feet) HASL (or HAMSL, as appropriate for the support structure). The value used for h in the formula in paragraph (a)(1) of this section must not be less than 30 meters (98 feet) HAAT, except that for unserved area applications proposing a cell with an ERP not exceeding 10 Watts, the value for h used in the formula in paragraph (a)(1) of this section to determine the service area boundary for that cell may be less than 30 meters (98 feet) HAAT, but not less than 3 meters (10 feet) HAAT.~~

~~(4)(3) The value used for p in the formulas in paragraphs (a)(1) and (a)(2) of this section must not be less than 0.1 Watt or 27 dB less than (1/500 of) the maximum ERP in any direction, whichever is more.~~

~~(5)~~(4) Whenever use of the formula in paragraph (a)(1) of this section pursuant to the exception contained in paragraph (a)~~(3)~~(2) of this section results in a calculated distance that is less than 5.4 kilometers (3.4 miles), the radial distance to the service area boundary is deemed to be 5.4 kilometers (3.4 miles).

~~(6)~~(5) The distance from a cell transmitting antenna to the SAB along any radial other than the eight cardinal radials is calculated by linear interpolation of distance as a function of angle.

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§22.912 Service area boundary extensions. - This section contains rules governing service area boundary (SAB) extensions. SAB extensions are areas outside of the cellular market boundary, but within the service area as calculated using the methods of §22.911(a). Cellular systems must be designed to comply with the rules in this section. Applications proposing systems that would not comply with the rules in this section are defective. Service within SAB extensions is not protected from interference or capture under §22.911(d) unless and until the area within the SAB extension becomes a part of the cellular geographic service area (CGSA) in accordance with §22.911(c). **SAB extensions into the Gulf of Mexico Neutral Zone are not eligible to become a part of the cellular geographic service area (CGSA) in accordance with §22.911(c) or otherwise.**

(a) De minimis extensions. Except as restricted in paragraph (d) of this section, SABs may extend into adjacent cellular markets if such extensions are de minimis, are demonstrably unavoidable for technical reasons of sound engineering design, and do not extend into the CGSA of any other licensee's cellular system on the same channel block (unless the licensee of such other system consents to the extension) or into any adjacent cellular market on a channel block for which the five year build-out period has expired.

(b) Contract extensions. Except as restricted in paragraph (d) of this section, licensees of cellular systems on the same channel block in adjacent cellular markets may, at any time, enter into contracts with applicants or other licensees to allow SAB extensions into their CGSA only (not into unserved areas). Except as restricted in paragraph (d) of this section, licensees of the first authorized cellular systems on the same channel block in adjacent cellular markets may agree to allow SAB extensions into their CGSA and/or unserved areas in their cellular markets during the five year build-out period of the market into which the SAB extends.

(c) Same applicant/licensee. Except as restricted in paragraph (d) of this section, licensees of cellular systems that are also an applicant or licensee on the same channel block in adjacent cellular markets may, at any time, allow or propose SAB extensions from their adjacent market system into their CGSA only (not into unserved areas). Except as restricted in paragraph (d) of this section, licensees of the first authorized cellular systems that are also an applicant or licensee on the same channel block in adjacent cellular markets may allow or propose SAB

extensions from their adjacent market system into their CGSA and/or unserved areas in their cellular markets during the five year build-out period of the market into which the SAB extends.

(d) Unserved area systems. Phase I initial cellular applications must not propose SAB extensions. Phase I sole major modification applications and Phase II applications may propose SAB extensions, subject to the conditions in this section.

(e) Gulf of Mexico Neutral Zone extensions. The SABs of licensees of cellular markets that are adjacent to the Gulf of Mexico Neutral Zone may extend into the Gulf of Mexico Neutral Zone. The Licensees must cooperate in resolving interference by any appropriate technical means.

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